

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
BIG STONE GAP DIVISION**

UNITED STATES OF AMERICA)	
)	
)	Case No. 3:01CR00015-001
)	
v.)	FINAL ORDER
)	
JESSE E. HOFFMAN, III,)	By: James P. Jones
)	United States District Judge
Defendant.)	

For the reasons set forth in the Opinion accompanying this Final Order, it is
ORDERED as follows:

1. The defendant's motion styled as "Motion Pursuant to Subject Matter Jurisdiction" (ECF Nos. 148, 149) is DENIED, and the defendant's submission is CONSTRUED as a Motion to Vacate, Set Aside or Correct Sentence, pursuant to 28. U.S.C.A. § 2255;
2. The Clerk is DIRECTED to redocket the motion as a § 2255 motion;
3. The § 2255 motion is hereby DENIED without prejudice as successive and **stricken** from the active docket; and

4. A Certificate of Appealability is DENIED, based upon the court's finding that the defendant has not made the requisite showing of denial of a substantial right.

ENTER: October 29, 2012

/s/ JAMES P. JONES

United States District Judge